

IN THE HIGH COURT OF JUSTICE

Claim No. QB-2022-002857

KING'S BENCH DIVISION

Before : HHJ Dunne (Deputy Judge of the High Court)

Dated: 2 February 2023

B E T W E E N:-



SURREY COUNTY COUNCIL

Claimant

(1) PERSONS UNKNOWN FORMING AN UNAUTHORISED ENCAMPMENT AND / OCCUPYING FOR RESIDENTIAL PURPOSES (including temporary accommodation) WITH OR WITHOUT VEHICLES ON CHOBHAM COMMON, SURREY

(2) PERSONS UNKNOWN DEPOSITING WASTE OR FLY-TIPPING ON CHOBHAM COMMON, SURREY

Defendants

MINUTE OF ORDER

PENAL NOTICE

IF YOU PERSONS UNKNOWN OCCUPYING CHOBHAM COMMON, IN THE COUNTY OF SURREY AND DEPOSITING WASTE OR FLY-TIPPING ON CHOBHAM COMMON, IN THE COUNTY OF SURREY DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS PERSONS UNKNOWN OCCUPYING CHOBHAM COMMON, IN THE COUNTY OF SURREY AND DEPOSITING WASTE OR FLY-TIPPING ON CHOBHAM COMMON, IN THE COUNTY OF SURREY TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

UPON HEARING COUNSEL FOR THE CLAIMANT AND THERE BEING NO DEFENDANT IN ATTENDANCE AS NO PERSON HAS APPLIED TO BE JOINED AS A DEFENDANT

AND UPON THE COURT BEING SATISFIED THAT THE CLAIMANT'S COMPLIED WITH THE ORDER AS TO SERVICE OF THE PROCEEDINGS AND NOTICE OF THIS HEARING IN ACCORDANCE WITH THE ORDER OF HHJ LICKLEY KC DATED 21 OCTOBER 2022;

AND UPON THE COURT TREATING THE HEARING AS THE TRIAL OF THE PART 8 CLAIM

AND UPON THE READING THE PAPERS AND HEARING THE APPLICATION FOR THE FINAL PART 8 CLAIM FOR AN INJUNCTION ORDER

AND UPON READING THE WITNESS STATEMENTS LISTED AT APPENDIX A TO THIS ORDER

AND UPON THE CLAIMANT UNDERTAKING THAT IN THE EVENT THAT ANY PERSON OCCUPYING CHOBHAM COMMON, IN THE COUNTY OF SURREY AT THE DATE THAT THIS ORDER IS MADE, WOULD STILL BE ENTITLED TO FULL AND PROPER CONSIDERATION BY THE CLAIMANT OF THEIR WELFARE, HEALTH, HOUSING AND SOCIAL CARE NEEDS.

IT IS ORDERED THAT

1. There be judgment for the Claimant on the Part 8 Claim for an injunction on the terms set out below.
2. The First Defendant be forbidden until midnight on 1st February 2026 from

- a. setting up an encampment within the boundaries of Chobham Common as identified by the attached Map without the express written permission of the Claimant as Landowner;
 - b. from entering or occupying for residential purposes within the boundaries of Chobham Common as identified by the attached Map without the express written permission of the Claimant as Landowner.
3. The Second Defendant be forbidden until midnight on 1st February 2026 from depositing waste or fly-tipping within the boundaries of Chobham Common as identified by the attached Map without the express written permission of the Claimant as Landowner.
4. In this Order
 - (a) "Occupying" means remaining in for the purposes of treating as a place of residence or as a dwelling;
 - (b) "Encampment" means a place of where a group of persons temporarily occupy with tents, caravans, mobile homes or other makeshift accommodation for the purposes of accommodation.
 - (c) "Unauthorised" means without prior written consent of the Claimant;
 - (d) "Vehicles" includes cars, vans, trucks, motorbikes and scooters (electric or petrol/diesel), all-terrain vehicles, tractors and farm utility vehicles, motor homes & caravans.
 - (e) Any person who is presently a Person Unknown (or anyone notified of this Order) who wishes to identify him or herself and join as a named Defendant to the proceedings may apply to the Court on 72 hours written notice to the Court and the Claimant to vary or discharge this Order (or, so much as it affects that person).

(f) There shall be a power of arrest attached to paragraphs 1 to 3 of this Order.

5. The Claimant have permission pursuant to CPR 6.27 to serve this Order by alternative method and alternative place. The alternative method and place for service of this Order is by the alternative methods set out at sub-paragraphs (a) - (g) below and is to be carried out by 17 February 2023 or such further date as ordered by the Court:

- (a) affixing a copy of this Order and a Summary of the nature of the Claim in transparent envelope or laminated copy in a prominent position on a post, gate, tree or noticeboard at the 24 vehicular and pedestrian entrances and 12 car-parking locations at Chobham Common, delineated in the plan attached at page 2 of Mr. Ian Horgan's second Witness Statement dated 19 October 2022;
- (b) publishing a copy of this Order on the Claimant's website together with a link to download an electronic copy of this Order and a Summary of the nature of the Claim together with a link to the same on the Claimant's official social media pages on Twitter @SurreyNews and @SurreyCouncil and Facebook;
- (c) publishing details of this Order and a Summary of the nature of the Claim in the printed version and on-line publication of the Surrey Advertiser and Camberley News;
- (d) making a copy of this Order and a Summary of the nature of the Claim available to be read at or be taken away from the front desks of the Claimant's offices at (i) 11 Woodhatch Road Cockshot Hill, Reigate and (ii) Quadrant Court, 35 Guildford Road, Woking, GU22 7QQ;
- (e) making a copy of this Order and a Summary of the nature of the Claim available to be read at or be taken away from the front desks of the offices of (i) Surrey Heath Borough Council at Surrey Heath House, Knoll Road, Camberley, GU15 3HD and (ii) Chobham Parish Council at the Chobham Recreation Ground, Station Road, Chobham, Woking, GU24 8AJ;

- (f) making a copy of this Order and a Summary of the nature of the Claim available to be read at or be taken away from the front desks at the Library at (i) Bagshot Library, High Street, Bagshot, GU19 5AH and (ii) Lightwater Library, 83A Guildford Road, Lightwater, GU18 5SB;
- (g) Serving a copy of this Order and a Summary of the nature of the Claim on the Surrey Gypsy Travellers Communities Forum, the London Gypsies and Travellers and the National Travellers Organisation.

Application to Vary or Discharge This Order

- 6. Any person who is presently a Person(s) Unknown (or any person notified of this Order) and who wishes to identify themselves and be joined as a named Defendant to this Claim may apply to the Court to be so joined on 72 hours' notice to the Court and to the Claimant, and/or to vary or discharge this Order (or part of it) including upon the basis of their personal circumstances (including grounds of hardship or health).

GUIDANCE NOTES **Effect of this Order**

- 1. A Person Unknown Occupying and / or Depositing Waste or Fly-tipping on Chobham Common (or anyone notified of this Order) who is an individual who is ordered not to do something must not do it by him or herself or in any other way. He/she must not do it through others acting on his/her behalf or on his/her instructions or with his/her encouragement.
- 2. A Defendant which is a corporation and which is ordered not to do something must not do it itself or by its directors, officers, employees or agents or in any other way.

PARTIES OTHER THAN THE CLAIMANT AND DEFENDANTS

Effect of this Order

3. It is Contempt of Court for any person notified of this Order knowingly to assist in or permit a breach of this Order. Any person doing so may be sent to prison, fined or have his/her assets seized.

UNDERTAKINGS

4. The Claimant will by 17 February 2023 or such further date as the court may order:
 - (a) affix a copy of this Order and a Summary of the nature of the Claim in transparent envelope or laminated copy in a prominent position on a post, gate, tree or noticeboard at the 24 vehicular and pedestrian entrances and 12 car-parking locations at Chobham Common, delineated in the plan attached at page 2 of Mr. Ian Horgan's second Witness Statement dated 19 October 2022;
 - (b) publish a copy of this Order on the Claimant's website together with a link to download an electronic copy of this Order and a Summary of the nature of the Claim together with a link to the same on the Claimant's official social media pages on Twitter @SurreyNews and @SurreyCouncil and Facebook;
 - (c) publish details of this Order and a Summary of the nature of the Claim in the printed version and on-line publication of the Surrey Advertiser and Camberley News;
 - (d) make a copy of this Order and a Summary of the nature of the Claim available to be read at or be taken away from the front desks of the Claimant's offices at (i) 11 Woodhatch Road Cockshot Hill, Reigate and (ii) Quadrant Court, 35 Guildford Road, Woking, GU22 7QQ;

- (e) make a copy of this Order and a Summary of the nature of the Claim available to be read at or be taken away from the front desks of the offices of (i) Surrey Heath Borough Council at Surrey Heath House, Knoll Road, Camberley, GU15 3HD and (ii) Chobham Parish Council at the Chobham Recreation Ground, Station Road, Chobham, Woking, GU24 8AJ;
- (f) make a copy of this Order and a Summary of the nature of the Claim available to be read at or be taken away from the front desks at the Library at (i) Bagshot Library, High Street, Bagshot, GU19 5AH and (ii) Lightwater Library, 83A Guildford Road, Lightwater, GU18 5SB;
- (g) serving a copy of this Order and a Summary of the nature of the Claim on the Surrey Gypsy Travellers Communities Forum, the London Gypsies and Travellers and the National Travellers Organisation.

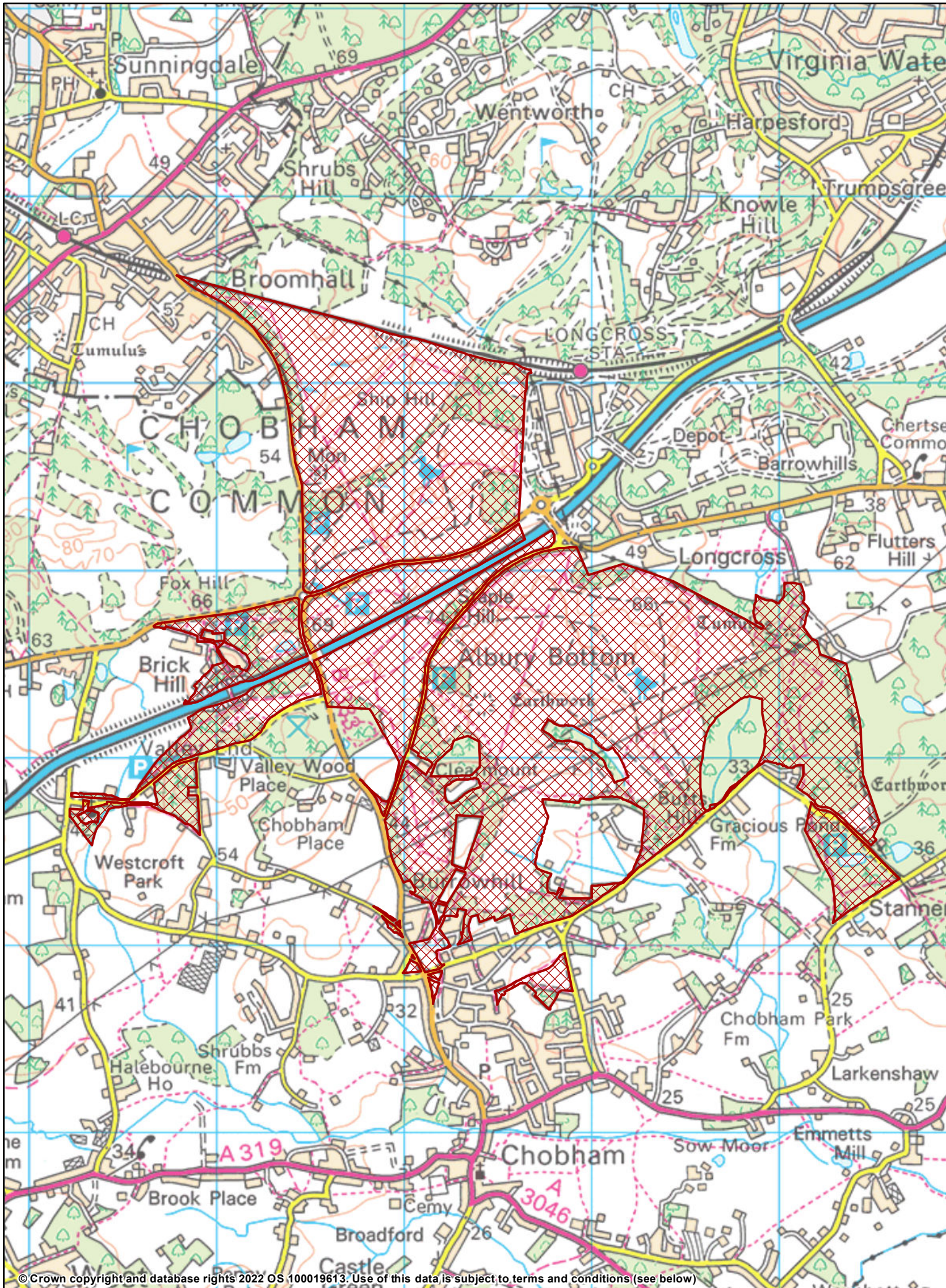
COMMUNICATIONS WITH THE COURT

- 5. All communications with the Court about this Order should be sent to Room WG08 Royal Courts of Justice, Strand, London, WC2A 2LL (020 7947 6010)

APPENDIX A

SCHEDULE OF WITNESS STATEMENTS

- (1) Witness Statement of Mr. Ian Horgan dated 16 August 2022
- (2) Witness Statement of Mr. Stephen Mitchell dated 17 August 2022
- (3) Witness Statement of Mr. James Herd dated 23 August 2022
- (4) Witness Statement of Mr. Robert Searle dated 04 August 2022
- (5) Witness Statement of Ian Horgan dated 7 November 2022



© Crown copyright and database rights 2022 OS 100019613. Use of this data is subject to terms and conditions (see below)



OS terms & conditions: You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Surrey County Council makes it available. You are not permitted to copy, sub-licence, distribute, sell or otherwise make available the Licensed Data to third parties in any form. Third party rights to enforce the terms of this licence shall be reserved to OS

Printed By: GIS team, IT & D
Printed On:
Project No:
Scale: 1:25,000

Chobham Common

Land subject to proposed injunction is outlined and hatched in red

